

### **REMARKS/ARGUMENTS:**

Claims remain 19-50 and 61-66 remain in the application. Claims 19, 32 and 61 have been amended for the purposes of clarification. Cancel 51-60. Claims 37 and 47 have been amended to correct typographical errors and the claim objections are believed overcome thereby.

Applicant believes the amendments add no matter. In particular, support for the amendments to claim 19 may be found at least with respect to paragraphs 46, 91 and 95 as well as figures 3 and 7 of U.S. publication 200400448671, which is the corresponding publication of current application. Claim 61 has been amended in a manner similar to claim 19. Support for amendments to claim 32 may be found at least with respect to paragraphs 47, 48 and 52 of U.S. publication 200400448671.

### ***Rejections under 35 U.S.C. § 102***

5. Claims 19-22, 24, 26-37, 40-44, 49-50, 61, and 63-66 are rejected under 35 U.S.C. 102(b) as being anticipated by Pease (5759102) and under 35 U.S.C. 102(e) as being anticipated by Pease (6135887).
6. Claims 19-50 and 61-66 are rejected under 35 U.S.C. 102(e) as being anticipated by Wells (6219836, 6488585, 6805634).

Pease and Wells describe various methods of downloading to a gaming machine. However, Pease or Wells don't teach, as described in amended claim 61, "generating a game play on the gaming machine using a first combination of game software components, said first combination of game software components including first game graphics, first game sounds and game system components;" "generating a second combination of game software components wherein said second combination of game software components comprises game software components from said first combination including the game system components and the game software components received from said remote server including the second game graphics and the second game sounds; and "presenting a game play using the second combination of game software components." Claim 19 comprises similar limitations as claim 61. Thus, Pease or Wells can't be said to anticipate claims 19-31 and 61-66.

Further, Pease or Wells, as recited in claim 32-50, don't teach, "monitoring game performance including coin-in of a first game played on a gaming machine;" "determining that a configuration update has been triggered based upon at least the game performance of the first game;" "identifying one or more game software components for the configuration update on the gaming machine that enable a second game to be played on the gaming machine;" and "sending the game software components to the gaming machine wherein said game software components are used to present the second game on the gaming machine."

Thus, Pease or Wells can't be said to anticipate the remaining claims.

### ***Rejections under 35 U.S.C. § 103***

9. Claims 23, 38-39, and 62 are rejected under 35 U.S.C. 102 (b) or (e), as applicable over Pease ('102 or '887) or, in the alternative, under 35 U.S.C. 103 (a) as obvious over Pease ('102 or '887) in view of either Alderson (5019963) or Fawcett (5845077) or Halliwell (5473772).
10. Claim 25 is rejected under 35 U.S.C. 102 (b) or (e), over Pease ('102 or '887, respectively) or, in the alternative, under 35 U.S.C. 103 (a) as obvious over Pease ('102 or '887) in view of either O'Conner (6178510) or Johnson (5923885).
11. Claims 47-48 are rejected under 35 U.S.C. 102 (b) or (e), over Pease ('102 or '887, respectively) or, in the alternative, under 35 U.S.C. 103 (a) as being obvious over Pease ('102 or '887) in view of either Heath (6006034).

The additional references cited in the Office Communication besides Pease and Wells (3 references) don't describe determining that a configuration update has been triggered based upon at least the game performance of a game or downloading game graphics and game sounds and combining game software components. Thus, Pease, Wells and the additional references alone or in combination can't be said to render obvious the pending claims.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,  
Weaver Austin Villeneuve and Sampson LLP

/David P. Olynick/  
David P. Olynick  
Reg. No.: 48,615

P.O. Box 70250  
Oakland, CA 94612-0250  
(510) 663-1100